

## ALASKA ADMINISTRATIVE CODE

### **15 AAC 23.213. Attachments.**

- (a) Notwithstanding the provisions of AS 43.23.065, 100 percent of a dividend payable to an individual under AS 43.23.005 - 43.23.095 is available for attachment in the collection of money owed to the United States if the notice of levy served on the department by an agency of the United States under federal law preempts state law.
- (b) Except as provided in (h) of this section, a writ of execution issued to enforce a judgment of the court must be served in the manner set out in Rule 4(c)(1) of the Alaska Rules of Civil Procedure. A service by certified mail, return receipt requested, may only include one Notice of Levy/Writ of Execution. Service may be made in writing upon the department on the department's website, or in person only at locations designated by the department during the hours the location is open to the public.
- (c) As required by AS 09.35.110, a notice of levy must accompany a writ of execution. If the notice of levy is made electronically, a CD-ROM containing the image of the writ of execution must be received by the department no later than 10 days after successful submission of the levy file. If the notice of levy is made in person, the writ of execution must be submitted with the levy file. A notice of levy that is submitted without the required writ of execution will be rejected.
- (d) In order to establish a positive identification between the attachment and an individual's dividend file, the department will require a three-point match. All matches between the attachment and the dividend file must be exact. The matches will be made against any three of the following:
  - (1) first name;
  - (2) date of birth;
  - (3) social security number; or
  - (4) last name.

- (e) The individual whose dividend was attached may not maintain a claim against the department for honoring the attachment.
- (f) A levy under a writ of execution or an equivalent document will be placed only against an individual's current year dividend. However, the limitation of this subsection does not apply if the equivalent document is an administrative withholding order issued by the department's child support services agency for the collection of child support.
- (g) Notwithstanding the requirements of AS 43.23.065(c), if the department is served with an order of a bankruptcy court related to an individual eligible for a dividend before payment of the dividend, the department will issue the individual's dividend to the bankruptcy court or trustee.
- (h) A government agency that has administrative levy power may perform service through its own agent or by electronic media. All services by electronic media must be accompanied by
  - (1) repealed 1/1/2008.
  - (2) a completed form provided by the department on which the agency certifies that
    - (A) the information on the electronic media is correct and complete;
    - (B) the agency has identified the individuals on the electronic media file in accordance with the criteria of (d) of this section; and
    - (C) each dividend to be levied is supported by an administrative levy.
- (i) Attachments, garnishments, or levies served on the department on the same date and at the same time at any of the following locations will be processed by the department in the following order:
  - (1) those submitted electronically on the department's website, which will be made available at 12:01 a.m. Alaska Daylight Time on April 1 as described in (j) of this section; for purposes of this paragraph, the date and time of service are the date and time the submitter initiated upload

of a successful submission of a levy file on the department's website;  
successfully submitted levy files will receive a confirmation number;

- (2) those personally delivered to the department in Juneau;
  - (3) those personally delivered to the department in Anchorage;
  - (4) those personally delivered to the department in Fairbanks;
  - (5) those delivered by certified mail to the department in Juneau.
- (j) For the purposes of AS 43.23.065(d) and this section, if April 1 falls on a Saturday, Sunday, Monday, or state holiday, the date becomes the next working day. (Eff. 1/1/93, Register 124; am 3/30/95, Register 133; am 1/1/99, Register 148; am 1/1/2000, Register 152; am 1/1/2002, Register 160; am 1/1/2007, Register 180; am 1/1/2008, Register 184; am 1/1/2011, Register 196)

Authority: AS 09.35.330  
AS 09.40.030  
AS 43.23.055

AS 43.23.065